

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STARR INDEMNITY & LIABILITY COMPANY,

Plaintiff,

vs.

BRIGHTSTAR CORP. and
BRIGHTSTAR GERMANY GmbH,

Defendants.

FINAL JUDGMENT

13 Civ. 8580 (GWG)

The Court having ruled on the parties' cross-motions for partial summary judgment in an Opinion and Order dated July 12, 2019 (ECF Doc. 176) and the parties having submitted a joint application for entry of this Final Judgment on agreed terms, it is:

ORDERED, ADJUDGED and DECREED that:

1. For the reasons stated in its Opinion and Order, the Court declares that the exclusion in Marine Cargo Policy No. MASICNY0154US13 (the "Policy") that is the subject of the Second Cause of Action in the Complaint (ECF Doc. 1) is inapplicable under the circumstances of this action and judgment is hereby granted in favor of Defendants Brightstar Corp. and Brightstar Germany GmbH (collectively, "Brightstar") and against Plaintiff Starr Indemnity & Liability Company on the Second Cause of Action in the Complaint.

2. For the reasons stated in its Opinion and Order, the Court declares that a \$25 million limit of liability did not apply under the Policy to the German warehouse where the loss that is the subject of this action occurred and judgment is hereby granted in favor of Starr and against Brightstar on the Fourth Cause of Action in the Complaint and on the First, Third, Fourth and Fifth Causes of Action in the Counterclaim (ECF. Doc. 26).

3. All remaining causes of action asserted in the Complaint and in the Counterclaim are hereby dismissed with prejudice.

4. Upon the application of the parties, costs to date are not awarded to any party.

Dated: September 17, 2019
New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge